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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant(s): Bowlin et al.                            |                               |
| Application No.: 09/970,651                            | Group Art Unit: 1651          |
| Filed: October 5, 2001                                 | Examiner: Jon P. Weber, Ph.D. |
| Title: PLASMA-DERIVED FIBRIN-BASED MATRICES AND TISSUE |                               |
| Attorney Docket No.: VCUIP 9P1                         |                               |

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313

SUPPLEMENTAL RESPONSE

Dear Sir:

After the interview on January 6, 2004, Examiner Weber telephoned the undersigned and raised the issue of the possible combination of the prior art references Tranquillo and Sierra as a basis for an obviousness rejection as noted in the Office Action dated April 8, 2003. Pursuant to the Examiner's request, the following explanation is being provided. In addition to the follow up discussion with the undersigned, Examiner also had a discussion with Marc Carr, a named inventor, regarding this issue. For at least one or more of the following reasons, Applicant submits that it is not reasonable to combine the Tranquillo reference with the Sierra reference as a basis for rejecting the present claims as being obvious.

First, Sierra discloses an implant. In other words, Sierra teaches a long-term, mechanical structure. Sierra discloses the formation of pores in its mechanical structure that allows cells to grow into it. On the other hand, the presently claimed invention is not a mechanical structure, but it is instead a tissue having cells throughout. Similarly, Tranquillo discloses a "tissue-

equivalent". Therefore, the Sierra reference is not analogous prior art. It is not appropriate to combine with Tranquillo as a basis for finding obviousness of the present invention.

Second, Sierra discloses only scaffolds made with purified fibrinogen. Nowhere is there disclosed the use of plasma as the fibrin source. A different matrix is formed when plasma is used versus purified fibrinogen. Different mechanisms are involved. It is not biologically possible to automatically draw an analogy between them. For at least this reason, Sierra is not a reasonable combination with Tranquillo to form a basis for finding obviousness in the present invention.

For at least one of the foregoing reasons, Applicant submits that the present application is in condition for allowance. Favorable action is requested hereon.

The Commissioner is hereby authorized to charge any deficiencies in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-2127.

Respectfully Submitted,



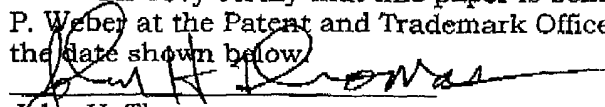
Date: January 8, 2004

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to Examiner Jon P. Weber at the Patent and Trademark Office at facsimile number (703)872-9306, on the date shown below.



John H. Thomas  
Date: January 8, 2004